

CC: SOM

ORIGINAL

JOHN HARRIS PAER #1551-0
41 B Kepola Place
Honolulu, Hawaii 96817
Telephone: (808) 595-7179
Facsimile: (808) 595-3918
email: paerj001@hawaii.rr.com

Attorney for Plaintiff

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUL 17 2007

at 1 o'clock and 10 min P.M.
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ROSE M. DE COITO,

Plaintiff,

vs.

COLLECTO, INC. dba HEALTHCARE
COLLECTION SERVICES

Defendant.

CIVIL NO.

COMPLAINT; EXHIBITS "A and B";
SUMMONS

C.V. 07. 00376 SOM

KSC

COMPLAINT

COMES NOW Plaintiff, by and through her undersigned attorney and alleges as follows:

INTRODUCTION

1. This Complaint is filed and these proceedings are instituted under the "Fair Debt Collection Practices Act "15 U.S.C. Section 1692, et seq., to recover actual and statutory damages, reasonable attorney's fees and costs of suit by reason of the Defendant's violations of that Act. Plaintiff seeks actual and statutory damages arising out of Defendant's misrepresentations and failure to make required disclosures in the collection of an alleged debt.

JURISDICTION

2. The jurisdiction of this Court is invoked pursuant to 15 U.S.C.A. Section 1692k(d) and 28 U.S.C.A. Section 1337. The supplemental jurisdiction of this Court is invoked over Count II of the Complaint, which arises under Chapters 443B and 480 of the Hawaii Revised Statutes.

PARTIES

3. Plaintiff is a natural person and is a resident of the State of Hawaii. Plaintiff is disabled and is 65 years old.

4. Defendant is a corporation doing business in the State of Hawaii as a collection agency and debt collector, and is subject to the jurisdiction of this Court.

FACTS

5. Within the year prior to the filing of this action, Defendant has been attempting on behalf of a third party to collect an alleged debt from Plaintiff.

6. On or about April 27, 2007, Defendant sent a letter to Plaintiff. A true and correct copy of that letter is attached hereto as Exhibit "A".

7. Exhibit "A" was the first letter Defendant sent to Plaintiff.

8. On May 31, 2007, Plaintiff's counsel mailed a letter to Defendant disputing the debt and requesting verification. A true and correct copy of that letter is attached hereto as Exhibit "B".

9. When Plaintiff's counsel was able to learn Defendant's facsimile number on June 5, 2007, he also faxed a copy of that letter to Defendant on that date.

10. The underlying debts were incurred primarily for personal, family, or household purposes.

COUNT I

11. Plaintiff realleges and incorporates paragraphs 1 through 10 of this Complaint.

12. Defendant has violated the Fair Debt Collection Practices Act in the following ways:

(a) Defendant has used false, deceptive and misleading misrepresentations in connection with the collection of the above claim.

(b) Defendant has used unfair means to collect and to attempt to collect the above claim.

(c) Defendant has not sent to Plaintiff the proper notices and/or verifications required by the Act.

COUNT II

13. Plaintiff realleges and incorporates paragraphs 1 through 12 of this Complaint.

14. Defendant has violated Chapter 443B and 480 of the Hawaii Revised Statutes as alleged above.

15. Defendant has demanded monies that are not owed by Plaintiff.

16. Defendant's violations of the Fair Debt Collection Practices Act and/or H.R.S. Chapter 443B constitute unfair and deceptive acts or practices in violation of H.R.S. Chapter 480.

17. Defendant's actions and disclosures in connection with the above-described debt were immoral, unethical, oppressive, unscrupulous, and substantially injurious to Plaintiff as a consumer, and were unfair and deceptive, in violation of H.R.S. Chapter 480.

18. Plaintiff has suffered injury to her property in an amount to be proved at trial, by reason of Defendant's violations.

WHEREFORE, Plaintiff prays that the Court:

AS TO COUNT I

1. Award Plaintiff her actual damages as will be proved at trial.

2. Award Plaintiff statutory damages in the amount of \$1000.00.

AS TO COUNT II

3. Award Plaintiff damages in the amount of three times the injury to her property, but not less than \$5000.00.


4. Declare that the underlying obligations are void and that Plaintiff owes Defendant nothing.

AS TO ALL COUNTS

5. Award Plaintiff reasonable attorneys' fees and costs of Court.

6. Award Plaintiff such other and further relief as the Court deems appropriate.

DATED: Honolulu, Hawaii, July 17, 2007.



JOHN HARRIS PAER
Attorney for Plaintiff